

EXHIBIT K



THE CITY OF NEW YORK
DEPARTMENT OF CORRECTION



DIRECTIVE

[] NEW	[] INTERIM	[X] REVISED	SUBJECT INMATE GRIEVANCE PROCEDURES			
EFFECTIVE DATE 12/10/18		TERMINATION DATE				
CLASSIFICATION # 3376R-A	SUPERSEDES 3376	DATED 09/10/12	APPROVED FOR WEB POSTING <input checked="" type="checkbox"/> YES <input type="checkbox"/> NO	DISTRIBUTION A & B	PAGE 1 OF 28 PAGES	
RECOMMENDED FOR APPROVAL BY REVIEW BOARD MEMBER <i>Hazel Jennings</i>			AUTHORIZED BY THE COMMISSIONER <i>Cynthia Brann</i>			
HAZEL JENNINGS, CHIEF OF DEPARTMENT SIGNATURE			CYNTHIA BRANN			
			SIGNATURE			

I. PURPOSE

The purpose of this Directive is to outline New York City Department of Correction (Department) policy and procedures for the administration of the Inmate Grievance Resolution Program (IGRP) within the Office of Constituent and Grievance Services (OCGS).

The grievance process affords inmates access to information and services relating to their confinement, solve problems, assists inmates who request information, services, assistance, and accommodations. The grievance process is designed to reduce conflict and litigation, and provide the Department with information concerning facility operations that will help it maintain a safe and secure environment.

OCGS shall provide inmates with the opportunity to file issues regarding their confinement through a structured, non-adversarial, and expedient process. Any inmate who is directly and personally affected by an issue, condition, practice, service, or lack of an accommodation with regard to any issue that may arise in connection with their incarceration or action relating to their confinement may file a complaint (grievance).

II. POLICY

Dispositions stemming from a program or procedure that has its own departmental administrative or investigative process are not subject to the OCGS process. If OCGS staff determine that the condition or issue in the inmate's Form 7101R is not subject to the OCGS process (in accordance with this directive), the Grievance Coordinator shall provide this disposition to the inmate on Form 7102R along with information regarding the entity to which the matter was referred and/or what process is available to address the condition or issue. The Grievance Coordinator shall forward within five business days any inmate's submission not subject to the OCGS process to the entity authorized to handle the submission (see Attachment A) and document the referral into the appropriate logbook and in Service Desk to indicate to whom the OCGS documents were submitted.

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II. POLICY (Cont.)

A. Departmental administrative and investigative dispositions that are not subject to the OCGS process include, but are not limited to, the following:

1. Requests for accommodation due to disability or claims of discrimination based on disability or perceived disability (Forwarded to ADA group);
2. Designation as Intended Contraband Recipient (ICR) status, Centrally Monitored Case (CMC) status, Red Identification (Red ID) status, Enhanced Restraint Status (Forwarded to the facility), or special housing placements;
3. Uses of Force (UOF). Staff shall first check the IRS system to see if there is a documented Use of Force. If no incident has been reported, then the allegation is to be forwarded to ID (Assault) via Service Desk;
4. Freedom of Information Law (FOIL) requests (FOIL requests shall be emailed to the FOIL Officer via Service Desk);
5. While OCGS staff shall refer allegations of other types of staff-on-inmate misconduct to the facility's Commanding Officer, OCGS staff shall receive and consider all allegations in submissions that are otherwise subject to the OCGS process. For example, if an inmate complains that an officer denied the inmate access to telephones, OCGS staff shall accept and process the inmate's alleged inability to access the telephones. However, OCGS staff shall also forward the officer's alleged misconduct to the Commanding Officer via Service Desk.
6. Staff Discipline. Requests for the removal of a Department employee from an assignment, or the censure, discipline, or termination of a Department employee, are not subject to the OCGS process. The grievance, including any substantive issue that prompted such a complaint, shall otherwise be processed in the ordinary course as described in this Directive. OCGS staff shall forward the complaint seeking discipline of staff to the staff member's Commanding Officer (General Facility Response-Facility Group) via Service Desk.
7. Matters outside the Department's jurisdiction. Grievances concerning matters outside the Department's jurisdiction, or over which the Department has no authority, are not subject to the OCGS process. However, any matter that appears to require administrative or criminal investigation shall be referred to ID or DOI, as appropriate.

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II. POLICY (Cont.)

8. When OCGS receives an inmate grievance alleging sexual abuse or sexual harassment, it shall be immediately forwarded to the Investigation Division (ID) in accordance with Directive 5011, "Elimination of Inmate Sexual Abuse and Sexual Harassment," OCGS does not investigate allegations of sexual abuse or sexual harassment.

In addition, the Grievance Coordinator shall log said allegation in the PREA logbook and provide notification to the Tour Commander via email using form 7316R.

Inmates or staff may function as interpreters as long as the allegation does not involve physical or sexual abuse or harassment. Once such an issue is alleged, a non-inmate translator must be secured.

III. DEFINITIONS

- A. Grievance: A written complaint submitted by an inmate in the Department's custody about an issue, condition, practice, or action relating to the inmate's confinement. This complaint can be related to the impact of a Department policy or protocol, a facility policy or protocol, or to a particular action affecting an inmate. Inmates are allowed to file one complaint for each grievance form and must be submitted within ten days after the incident occurred. Inmates may appeal grievance determinations. However, if an appeal is to the Central Office Review Committee (CORC), the CORC decision shall be the Department's final decision.
- B. 311: Complaints and correspondence received from inmates and third-parties via the City of New York's customer service hotline.
- C. Action Requested: the outcome the inmate is seeking in regards to the complaint submitted.
- D. Service Desk: The application used by the Department to monitor, from inception to completion, all received grievances, requests, and 311 correspondence.
- E. Appeal to Division Chief: The facility's respective Assistant Chief provides dispositions on grievances after the inmate appeals the Commanding Officer.
- F. Central Office Review Committee (CORC): The CORC provides dispositions on grievances after the inmate appeals the Division Chief Review Assessment. The CORC consists of three (3) voting members or their designees: the Chief of Department, Assistant Commissioner for Strategic Planning (or OCGS senior

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III. DEFINITIONS (Cont.)

official), and General Counsel. The Director of Constituent and Grievance Services is the chairperson.

- G. Return of Grievance Form: Form 7117R, this form is used when grievance staff receives a grievance from the inmate that is not within OCGS jurisdiction. Grievance staff shall log information into the OCGS database and return the Inmate Statement Form (Form 7101R) along with the Form 7117R within seven business days indicating the reason the grievance is being returned to the inmate. The inmate shall have five (5) business days to resubmit the grievance.
- H. Service Desk Group: Any grievances related to the groups below are forwarded via Service Desk to the appropriate group. The following are Groups in Service Desk:
 - 1. ID - Sexual Group: Consists of the Investigations Division (ID) to investigate all allegations of sexual harassment/sexual abuse on inmates, either self-reported or from anyone on behalf of an inmate. Notification is also made to the Assistant Commissioner of PREA;
 - 2. ID- other: consists of investigation division (id); this includes allegations from inmates in regards to assault from staff and staff misconduct;
 - 3. ID- environmental: consists of the environmental health unit including the assistant commissioner of environmental health; this includes all complaints regarding the condition of the facility, housing area, and inmate cell;
 - 4. Transgender Housing Unit: consists of the PREA unit including the assistant commissioner or their designee; this includes requests to be placed in THU.
 - 5. [Facility name]- Fear for safety: for each facility, consists of OSIU, the facility commanding officer, and the facility tour commander. This will include complaints in regards to inmates' requests for placement into protective custody due to a fear for safety from another inmate;
 - 6. Medical: consists of the executive director of health affairs; all complaints regarding access and quality of medical services. This correspondence is then shared with staff at health + hospitals for review.
 - 7. General Facility Response [Facility Name]: For each facility, consists of Facility Commanding Officer and facility Tour Commander. This will include general concerns about the inmate's confinement including housing, ICR status, improper search, etc.;

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III. DEFINITIONS (Cont.)

8. **Suicidal:** Consists of Facility Commanding Officer, Facility Tour Commander, and Executive Director of Health Affairs; this includes complaints when inmates mention suicidal ideations;
9. **Ambulatory Devices- ADA:** Consists of Director of Disability Rights for Inmates; this includes complaints regarding a request of accommodation due to disability;
10. **Transportation Unit:** Consists of the unit's Commanding Officer; this includes complaints regarding Department vehicles operating dangerously and unlawfully or complaints by inmates being transported on Department vehicles;
11. **Programs:** Consists of Director of Programs; this includes complaints from inmates in regards to programs being offered in the facility.
12. **Social Services:** consists of the Director of Social Services and Supervisory Team; used for social services to be provided to inmates.
13. **RICC:** consists of the Director of Rikers Island Central Cashier (RICC); used for all monetary concerns.
14. **Correctional Intelligence Bureau (CIB):** Consists of the investigators within CIB; used for complaints in regards to inmates' Security Risk Group (SRG) status.
- I. **OCGS HUB:** The central team who receives and disseminates all correspondence received from 311.
- J. **Prison Rape Elimination Act (PREA):** A federal law designed to eliminate inmate sexual abuse and sexual harassment. See Directive 5011 for further information.
- K. **Service Desk Modes:** All grievances, complaints, and requests entered into the Service Desk need to be assigned a mode. The mode captures how the grievance was received:
 1. **311:** Complaints that are received from an inmate, family member, staff member, constituent, etc.
 2. **BOC:** Complaints that are forwarded from the Board of Correction for Departmental investigation;
 3. **Email:** Complaints that are directly sent by constituents to the Constituent Services' email address for an investigation;

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III. DEFINITIONS (Cont.)

4. Grievance Box: Complaints that are documented on an OCGS grievance form/written complaint and submitted in a facility grievance box;
5. NYC Health and Hospital Corporation (H+H): Complaints that are forwarded from Health and Hospitals for Departmental investigation;
6. Housing Services: Complaints that are received by OCGS staff during a tour of facility housing areas;
7. Inmate: Complaints that are made directly from an inmate in a common area (corridor, clinic, service locations);
8. Legal: Complaints that are forwarded by the Department's Legal Division for review and investigation;
9. Legal Aid/Attorney: Complaints that are received from an inmate's legal representation (Legal Aid or outside attorney);
10. Mail: Complaints that are received via US Mail;
11. Mayor's Office: Complaints that are forwarded to the Department from the Mayor's Office for review and proper handling;
12. Phone Call: Complaints that are directly received via the Department Information hotline;
13. SCOC: Complaints that are forwarded by the State Commission of Correction for Departmental review and investigation;
14. Tablet- Housing Area: Complaints that are captured directly on the assigned Department tablet while conducting facility housing area tours;
15. Walk-ins: Complaints that are received in the Grievance Office from an inmate not during a scheduled service time (pressing issues).
16. Referrals: Grievances submitted on behalf of the inmate to the Grievance Coordinator.

L. Service Desk Complaint Status: All grievances entered into Service Desk need to be assigned the proper complaint status to indicate how the grievance will be handled.

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III. DEFINITIONS (Cont.)

1. Accepted: Used when the complaint is being handled by the Grievance Coordinator and/or tasked to any unit/facility. This does not validate whether a complaint is substantiated/unsubstantiated. Selecting this field also confirms an inmate's requested action is met.
2. Rejected: Used when the complaint is not being handled or tasked, when an inmate's requested Action is not met, when according to policy and/or procedure the requested action cannot be accommodated, and/or when the claim cannot be substantiated. This field is used to capture grievances that require Form 7117R (All forms must be entered into Service Desk).
3. Modified: Used when an inmate's requested action is only met in part, but the result is satisfactory to the inmate.
4. Transferred/Discharged: Used when an inmate is transferred to another department facility prior to the completion of the grievance process or the inmate is discharged from department custody. If an inmate is transferred to another department facility, the Grievance Coordinator shall notify the appropriate facility grievance staff to complete the initial grievance filed by the inmate. In addition, both the Program Administrator and Captain shall be notified about any grievance transfers.
5. Withdrawn: Used when an inmate requests their grievance be withdrawn.
6. Formally Resolved: Used when the first level of the Grievance process is satisfactory and the inmate does not wish to appeal to the next level.
7. Appeal to the Commanding Officer: Used when the grievance reaches the second level of the Grievance process, the inmate is not satisfied with the Grievance Coordinator's response, and wishes to appeal to the Warden for a formal investigation.

IV. RESPONSIBILITIES

A. Assistant Commissioner for Strategic Planning (or OCGS Senior Official)

The Assistant Commissioner has overall responsibility for the sound management of the OCGS; including the coordination of efforts directed at ensuring the integrity and effectiveness of OCGS staff assigned to the Department's housing facilities.

B. Director of Constituent and Grievance Services

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IV. RESPONSIBILITIES (Cont.)

The Director of Constituent and Grievance Services shall assign duties and tasks to OCGS staff. The Director of Constituent and Grievance Services is responsible for oversight of administration and operations of the OCGS in all Department housing facilities and for ensuring that the OCGS operates in compliance with this Directive. The Director shall convene the CORC, conduct and supervise quarterly OCGS staff meetings, prepare monthly statistical data on grievances, and where appropriate, participate in grievance investigations.

C. Program Administrator

The Program Administrator is responsible for the daily interaction and supervision of all Grievance Coordinators and day-to-day administration of OCGS operations in the facilities; the identification and ascertainment of viable candidates with skill sets comparable to vacancies within OCGS; assisting the Director in the preparation and execution of programmatic modifications; analyzing the degree of departmental compliance relating to minimum standards, departmental policies, procedures, and regulations; subsequent to receipt of OCGS formal hearing requests, participating in facility level hearings as needed; compiling statistical report data and conducting comparative analysis via collection and preparation of source documents on a weekly, bi-weekly, and monthly basis; and conducting tasks and standards evaluations of staff on an annual basis. The Program Administrator shall also monitor OCGS entries in Service Desk for accuracy.

D. Captain

The Captain is responsible for direct supervision of all Grievance Officers and uniform staff within OCGS; daily review of the service desk system; and reviewing and closing all tasked complaints including facility-based investigations.

E. Operations Administrator

The Operations Administrator is a correction officer or non-uniform coordinator who is assigned to the Director of Constituent and Grievance Services. The Operations Administrator shall assist, as assigned by the Director, in completing investigative and administrative tasks to fulfill the OCGS's mission. Responsibilities include participating in investigations and preparation of written responses stemming from inquiries put forth by the Legal Division, the Department of Investigations (DOI), the Commissioner's Office, the Comptroller's Office, Freedom of Information Law (FOIL), other agencies, and discharged inmates; the performance of special assignments; identifying and ascertaining viable candidates with skill sets comparable to vacancies within OCGS; co-training OCGS staff prior to assignment to their respective jails; advising facility level administration of disparities in policy versus the execution of procedure; proposing resolutions and formulating recommendations; interviewing

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IV. RESPONSIBILITIES (Cont.)

inmates with complaints against facility level staff; assisting in the review of pending changes in specific policies and procedures and justifying validity of specific aspects of policies under revision; testifying at Equal Employment Opportunity and court hearings regarding investigative submissions and all programmatic matters pertaining to OCGS; disseminating information to Department staff and the Law Department regarding the appropriate use of the appeal process regarding specific OCGS matters; participating in facility level hearings and conducting fact-finding investigations relating to the OCGS Formal Hearings; and compiling statistical data and conducting comparative analysis for Total Efficiency and Accountability Management System (TEAMS) in the absence of the OCGS Program Administrator.

F. Quality Assurance Administrator

The Quality Assurance Administrator is a non-uniform employee of the Department assigned to supervise and review all data and execute quality assurance within OCGS. In addition, the Quality Assurance Administrator shall supervise Data Analyst(s) who will create weekly and monthly reports.

G. Grievance Coordinator

The Grievance Coordinator is a non-uniform employee of the Department assigned and selected by the OCGS Director. The Grievance Coordinator shall be responsible for the administration of the grievance process in each housing facility to which the Grievance Coordinator is assigned and for ensuring that the OCGS operates in compliance with this Directive. The Grievance Coordinator along with uniform staff (Grievance Officer) directly supervises inmates assigned to manage grievances. The Grievance Coordinator appoints inmate-clerks, prepares monthly statistical data on grievances for submission to the facility's Commanding Officer and OCGS Director and, when appropriate, conducts grievance investigations. Any complaints entered in Service Desk by a Grievance Coordinator that do not require a facility investigation and/or are not tasked out to any departmental unit in Service Desk can be closed by the Grievance Coordinator without supervisory review or approval.

Note: Grievance Coordinators shall not be assigned duties that could potentially conflict with their ability to independently evaluate grievances, nor shall they serve in roles in which they are likely to be the subject of an inmate grievance. If Grievance Coordinators are involved in any manner with an inmate grievance, the Grievance Coordinators must recuse themselves from handling any OCGS duties concerning that matter. In such instances, the Program Administrator or Operations Administrator shall research and formulate findings to be reviewed by the Director or their designee.

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IV. RESPONSIBILITIES (Cont.)

H. Grievance Officer

The Grievance Officer is a uniformed staff employee who assist the Grievance Coordinators in performing operations of grievance retrieval and resolution in the facility. Grievance officers are responsible for:

1. Supervising and escorting all inmates involved in OCGS activities;
2. Conducting accurate and timely fact-finding investigations of inmate grievances;
3. Assisting in the mediation and resolution of inmate grievances;
4. Presenting pertinent and accurate documentation on all inmate grievances submitted to the OCGS;
5. Inspecting grievance boxes located in common areas and housing areas every business day and retrieving all submitted grievances every business day;
6. Preparing and processing payrolls for all inmates assigned to the OCGS; and
7. Assisting the Grievance Coordinator in conducting and supervising the inmate grievance representative appointment and training, conducting orientation for inmates assigned to OCGS, and assisting in the monitoring of the implementation of grievance dispositions.

Note: Grievance Officers shall not be assigned duties that could potentially conflict with their ability to independently evaluate grievances, nor shall they serve in roles in which they are likely to be the subject of an inmate grievance (e.g., assigned to housing area post). Grievance Officers involved in any manner with an inmate grievance must recuse themselves from handling any OCGS duties concerning that matter.

I. OCGS Grievance Coordinators and Officers shall:

1. Tour all housing areas weekly. A minimum of three (3) times per week, OCGS staff shall visit punitive segregation, hospital wards, mental observation units, and other special population housing areas where the inmate cannot directly access a grievance box or the OCGS office. They shall collect submissions from inmates and completed copies of Form 7101R from inmates and shall provide receipts and Form 7102R, "OCGS Disposition Form (English and Spanish)" (Attachment C), to inmates.

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IV. RESPONSIBILITIES (Cont.)

2. Receive, file, sign, date, and time-stamp all submissions for the OCGS and all other OCGS documents in Service Desk;
3. Provide copies of Form 7101R to inmates and accept any expressed need, grievance (complaint), or matters not subjected to the OCGS process from inmates who submitted a grievance on forms other than Form 7101R, assisting them if needed to relay their grievance onto said form;
4. Provide receipts to inmates who file any grievances, complaints not subjected to the OCGS process, or needs pertaining to their confinement;
5. Ensure grievance forms are stocked on all units and areas where inmates congregate;
6. Maintain paper and electronic records of all grievances, submissions not subject to the OCGS process, and all related correspondence, including OCGS investigations, dismissals, referrals, resolutions, appeals, and dispositions;
7. Enter data and related updates into the Service Desk system within five business days;
8. Process all grievances and submissions not subject to the OCGS process in a timely manner via the Service Desk system. OCGS staff shall review each grievance and formulate a resolution in accordance with this directive.

J. Inmate Grievance Clerk

The Grievance Coordinator shall select an inmate for the position of Inmate Clerk, who shall be paid as a skilled worker in accordance with Directive 4014R-A and in consultation with the Inmate Assignment Office. The inmate shall be responsible for assisting in the clerical processing of grievances and requests and aiding uniform staff and non-uniform grievance staff in fact-finding investigations. Inmate Clerks are not permitted access to inmate-restricted areas.

V. SUBMISSION OF A GRIEVANCE

- A. Pursuant to Federal Law Prison Litigation Reform Act 42 U.S.C. § 1997e, an inmate is sometimes required to "exhaust administrative remedies," such as those available through the grievance process, before seeking relief from the judicial system or any other external agency. Failure to file a grievance may or may not prevent an inmate from seeking external relief.

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V. SUBMISSION OF A GRIEVANCE (Cont.)

- B. The Department shall provide information to all inmates regarding the grievance process through the Inmate Handbook, posters displayed in congregate areas, and new-admission orientation.
- C. Staff may encourage inmates to first seek to informally resolve any issue that may arise in connection with their incarceration directly with the Housing area Officer or Captain, the relevant program unit, or other existing channels prior to filing a grievance with OCGS. However, an inmate is not required to seek such assistance as a pre-condition to filing a grievance.
- D. Inmates must file grievances in an individual capacity. Inmates cannot institute class actions on behalf of all inmates or a class of inmates through the OCGS. Nor can an inmate bring a grievance on behalf of another inmate. To ensure that a grievance is expeditiously forwarded to the appropriate unit for review and investigation, Inmates shall only be allowed to file one complaint per each grievance form. If OCGS staff receives a grievance that conflicts with the grievance submission requirements then the inmate grievance will be returned to the inmate on form 7117 "Return of Grievance."
- E. If multiple inmates believe that they have been aggrieved by the same or similar issues, conditions, practices, or actions and file individual grievances concerning the issues, conditions, practices, or actions, the OCGS Director or their designee, may consolidate the resolution of these individual grievances.
- F. To file a grievance, an inmate must properly sign and submit Form 7101R, "OCGS Statement Form" (Attachment B). Inmates are only allowed to file one complaint per grievance form. If a grievance is not submitted on the proper form, OCGS staff shall provide the form. However, OCGS staff shall still accept grievances not on Form 7101R and shall also assist the inmate in relaying the information from the original document onto Form 7101R (or attach the original submission to Form 7101R). Inmates may also file their grievances through an electronic method. Upon completion of Form 7101R, including signature, the inmate must:
 - 1. Deposit the form into a grievance box located in the inmate's housing area or other common area;
 - 2. Personally deliver it to the OCGS Office; or
 - 3. For inmates in punitive or segregation, hospital wards, mental observation units, or other special population housing areas who cannot directly access a grievance box or the OCGS office, give it to OCGS staff during announced OCGS staff visits to those housing areas.

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V. SUBMISSION OF A GRIEVANCE (Cont.)

4. If an inmate submits a completed Form 7101R to any officer, Captain, or Tour Commander, that staff member shall forward it to the attention of the Grievance Coordinator no later than the next business day.
- G. If the Grievance Coordinator or Grievance Officer determines the inmate grievance is not in compliance with the policy set forth in this Directive, the inmate's grievance shall be returned to the inmate with an indicated reason listed on Form 7117R, "Return of Grievance Form" (Attachment L). The inmate shall be provided an opportunity to resubmit the grievance as long as it does not conflict with the grievance submission guidelines as set forth on Form 7117R. All returns and reasons for return shall be tracked in Services Desk.
- H. An inmate may also call 311 to file their complaint. Depending on the nature of the inmate complaint, the OCGS HUB team shall send it to the respective Grievance staff in the facility for review to check if the inmate has already filed a grievance in regards to the complaint shared from 311 or send the complaint directly to the appropriate unit for handling. If there is no grievance on file, the Grievance Coordinator shall handle the complaint and then provide the inmate a resolution from Service Desk, within seven business days of the call to 311.
- I. If the OCGS HUB team receives a 311 complaint from an inmate that is not subject to the grievance process, they shall task it out in Service Desk to the appropriate unit for handling. All units within Service Desk have seven (7) days to respond and close their correspondence in the system and provide the inmate with an acknowledgement. OCGS shall review all correspondence prior to closing it out in Service Desk. All 311 complaints that are forwarded from the OCGS HUB to the facility Grievance Coordinator or complaints that are tasked out for investigation, can only be closed by OCGS supervisory staff or their designee.
- J. Inmates will receive a receipt of acknowledgement for all non-grievable complaints received via 311 that are tasked to another unit, within (7) calendar days from that unit. If an inmate submits duplicative and/or repetitive 311 complaints and the timeframe for acknowledgement and investigation did not elapse for the initial complaint then the acknowledgement of receipt of the subsequent complaint(s) will be incorporated into one response.

Note: If the inmate alleges that the condition or issue relating to their confinement is ongoing, the inmate shall not have to submit the Form 7101R within the ten-day time limit.

- K. If an inmate's submission raises issues that cannot be fully resolved through the grievance process, or are not subject to it, OCGS staff shall refer such submission to the appropriate entity for resolution in Service Desk and task the appropriate unit for

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V. SUBMISSION OF A GRIEVANCE (Cont.)

further review. An inmate must use the grievance process to obtain a final response from the Department regarding any grievance unless there is an identified alternative process for resolving a particular issue as set forth in Form 7100R, "OCGS Categorization of Grievances" (Attachment A).

- L. OCGS shall process all grievances and submissions not subject to the grievance process in a timely manner using the Service Desk system. If OCGS receives a submission that it determines is not subject to the grievance process, OCGS shall provide the inmate with a written or typed decision documenting the reason it is not subject to the grievance process. OCGS staff shall not prevent an inmate from filing a grievance because they believe it not to be subject to the grievance process unless that reason is outlined on Form 7117R.

All complaints related to the following restrictions may be appealed to the Board of Correction by the inmate: religious services, law library, visiting, incoming correspondence, packages, incoming publications, or media.

VI. STEP ONE - FORMAL RESOLUTION

A. Formal Resolution Process

1. The Grievance Coordinator, with assistance from the Grievance Officer, shall review all completed copies of Form 7101R and complaints from 311. From the date OCGS staff received the form directly from the inmate or the date that OCGS staff collected the form from the grievance box or received complaint from 311, the Grievance Coordinator shall have up to seven (7) business days to review the Form 7101R or 311 complaint, assess the submission, and determine whether it falls within the OCGS' jurisdiction, and either dismiss and close the grievance, refer the submission to the appropriate entity, or investigate the grievance and propose a resolution to the inmate. The Grievance Coordinator shall then enter the proposed resolution of the grievance on Form 7102R and input the necessary information into Service Desk. The Grievance Coordinator shall meet with the inmate to review the proposed resolution.
2. The Grievance Coordinator or Grievance Officer may dismiss and close a grievance if it is determined that:
 - a. The inmate has not been or will not be personally and directly affected by the condition or issue in the inmate's grievance;

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VI. STEP ONE - FORMAL RESOLUTION (Cont.)

- b. The inmate is seeking action with respect to matters outside of the Department's jurisdiction;
- c. The inmate transferred and the grievance rests on a facility-based issues and no longer personally and directly effects an inmate who has been transferred from the facility where the inmate originally filed the grievance, as appropriate; and/or
- d. The inmate grievance should be dismissed or returned based on the reasons set forth above and on the 7117R- "Return of Grievance Form".

3. A grievance can also be dismissed due to a transfer of the inmate to another facility, but only if the grievance is in regards to a facility-based issue. All other grievances will be reviewed and resolved in accordance with this directive.

4. When the Grievance Coordinator dismisses and closes a grievance, the Grievance Coordinator shall clearly cite the reason(s) for such dismissal on Form 7102R and in Service Desk then shall, as necessary, refer the submission to the appropriate entity for redress of the matter via Service Desk.

If the inmate has been discharged from Department custody, the inmate will no longer have access to the Grievance process.

5. Logbook entries

Upon receiving an inmate grievance statement form the grievance staff should capture the following information in their logbook:

- a. Grievance Number
- b. Inmate Name and Book & Case number
- c. Housing Area
- d. Category Code
- e. Date Filed
- f. Date Resolved
- g. Service Desk Reference Number

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VI. STEP ONE - FORMAL RESOLUTION (Cont.)

6. Investigation

- a. OCGS staff shall document its investigation using Form 7115R, "Grievance Investigation Form" (Attachment J), and submit the form in Service Desk. The Grievance Coordinator shall complete the requestor page in Service Desk inputting information in all necessary fields.
 - i. When an inmate submits a Form 7101R that is in any way illegible and/or incomplete, OCGS staff shall interview the inmate during the investigation to clarify the statement. If the inmate does not wish to comply with the Grievance Coordinator's request for clarification, the Grievance Coordinator shall not consider the inmate's grievance.
 - ii. Acceptance

If the inmate is satisfied with the resolution that OCGS staff proposes, the inmate shall indicate acceptance of the resolution by signing and dating the Form 7102R and/or electronic disposition form. The Grievance Coordinator shall also sign, date and time-stamp all grievance forms.

The Grievance Coordinator or Grievance Officer shall provide a photocopy of the signed Form 7102R to the inmate and enter the date and relevant information regarding the inmate's acceptance or rejection of the resolution into Service Desk. If the inmate does not agree, the inmate may appeal and request a formal investigation by signing and dating Form 7102R. Failure to sign the form will forgo the inmate's right to request an appeal.

7. Preliminary Evidentiary Review

An inmate's rejection and appeal of a formal resolution to the facility Commanding Officer may, if requested by a Grievance Coordinator, trigger a Preliminary Evidentiary Review, during which, the OCGS Program Administrator reviews evidence, gathered and submitted by a Grievance Coordinator, for further confirmation that the grievance staff thoroughly investigated the matter, had evidence to substantiate the disposition, and that the inmate's grievance has no merit. The OCGS Program Administrator shall share the outcome of the review with the Grievance Coordinator and submit all documents into Service Desk. Within three (3) business days, the result of the OCGS Program Administrator's Preliminary Evidentiary Review shall also be communicated to the inmate on the revised disposition form (7102R) and explain whether further administrative remedies exist or have been exhausted regarding the grievance.

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VI. STEP ONE - FORMAL RESOLUTION (Cont.)

- a. If an issue still needs resolution after this review, the appeal will escalate to the Commanding Officer within one business day.

VII. STEP TWO - APPEAL TO THE COMMANDING OFFICER

- A. Within one (1) business day of the inmate's request for an appeal to the Commanding Officer, OCGS staff shall forward the relevant Form 7101R, Form 7102R, Form 7115R, and all other relevant documentation to the office of the Commanding Officer.
 - 1. The Commanding Officer's office shall time and date-stamp all documents related to the appeal on the day they are received.
 - 2. The Commanding Officer shall review all the paperwork and conduct further investigation if necessary. The Commanding Officer shall determine the relevance and materiality of the evidence offered.
- B. Within five (5) business days of receiving the inmate's appeal, the Commanding Officer must indicate their disposition on Form 7103R, "OCGS Commanding Officer's Disposition Form" (Attachment D), sign and date the form, and provide the Form 7103R to OCGS staff. The Grievance Coordinator or Grievance Officer shall date and time-stamp the Form 7103R and provide it to the inmate on the same day it is received from the Commanding Officer. The Grievance Coordinator shall enter the date of and relevant information regarding the Commanding Officer's disposition into Service Desk.
- C. Acceptance

If the inmate is satisfied with the Commanding Officer's disposition, the inmate shall indicate acceptance of the resolution by signing and dating the Form 7103R. The Grievance Coordinator and inmate shall sign and date the form. The Grievance Coordinator or Grievance Officer shall provide a photocopy of the signed Form 7103R to the inmate within two (2) business days of receipt from the inmate. The Grievance Coordinator shall enter the date of and relevant information regarding the inmate's acceptance of the Commanding Officer's disposition into Service Desk. Within ten (10) business days, the Commanding Officer of the facility shall confirm with the OCGS Director that the resolution of the grievance has been implemented, if necessary.

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VII. STEP TWO - APPEAL TO THE COMMANDING OFFICER (Cont.)

D. Appeal

If the inmate does not accept the Commanding Officer's disposition and wishes to appeal to the Division Chief, the inmate shall indicate so by signing and dating the Form 7103R within two (2) business days of notification of the Commanding Officer's disposition. Both the inmate and Grievance staff shall sign and date the Form 7103R and shall provide a photocopy of the Form 7103R to the inmate. The Grievance Coordinator shall enter the date of and relevant information regarding the inmate's appeal of the Commanding Officer's disposition into Service Desk, then forward all relevant correspondence to the OCGS Program Administrator for further handling.

VIII. STEP THREE - APPEAL TO DIVISION CHIEF

- A. Within one (1) business day of the inmate's request for an appeal to the Assistant Chief, the OCGS Program Administrator shall forward the relevant Form 7101R, Form 7102R, Form 7115R, Form 7103R and all other relevant documentation to the office of the facility's respective Division Chief.
 - 1. The Division Chief's office shall time and date-stamp all documents related to the appeal on the day they are received.
 - 2. The Division Chief shall review all the paperwork and conduct further investigation if necessary. The Division Chief shall determine the relevance and materiality of the evidence offered.
- B. Within five (5) business days of receiving the inmate's appeal, the Division Chief must indicate their disposition on Form 7104R, "OCGS Division Chief's Disposition Form" (Attachment E), sign and date the form, and provide the Form 7104R to the Program Administrator. The Program Administrator shall then forward all corresponding documents to the Grievance Coordinator or Grievance Officer who shall date and time-stamp the Form 7104R and provide it to the inmate on the same day they received the Division Chief's disposition. If the inmate accepts the Division Chief's decision, then within ten (10) business days, the Commanding Officer of the facility shall confirm with the OCGS Director that the resolution of the grievance has been implemented, if necessary. If the inmate does not accept the Division Chief's disposition and wishes to appeal to the CORC, the inmate shall indicate so by signing and dating the Form 7104R within two (2) business days of notification of the Division Chief's disposition.

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IX. STEP FOUR - APPEAL TO THE CORC

- A. The CORC provides dispositions on grievances after the inmate appeals the Division Chief's decision. The CORC's disposition constitutes the Department's final decision on the inmate's grievance.
- B. Within one (1) business day of receipt of the inmate's request for an appeal to the CORC, OCGS staff shall forward the relevant Form 7101R, Form 7102R, Form 7115R, Form 7103R, Form 7104R, and other relevant documentation to the Director.
- C. The Director or their designee shall time and date-stamp all documents related to the appeal on the day the OCGS Director receives them. The OCGS Director or their designee shall review all the documents and conduct further investigation if necessary. The OCGS Director shall compile the appeals documents for distribution to the CORC.
- D. Within two (2) business days of receipt of the inmate's appeal by the OCGS Director, the Director shall forward, via Form 7105R, "Transmittal to Central Office Review Committee Form" (Attachment F), the appeals documents to each member of the CORC and shall simultaneously forward copies of these documents to the Executive Director of the New York City Board of Correction (BOC).
- E. The BOC shall be afforded five (5) business days in which to offer any opinion or advice it may wish with regard to the proper resolution of the appeal of the grievance or request.
 - 1. If the BOC submits a recommendation, then the OCGS Director shall ensure copies of the response are provided to each voting member of the CORC to be fully considered before making a final decision.
 - 2. If the BOC submits no response within five (5) business days, it shall be deemed the BOC has elected not to comment or advise the Department with regard to the grievance or request and the CORC shall proceed to make a decision.
 - 3. If the BOC requests additional time to comment on a grievance, that time shall be granted, up to five (5) additional business days absent extraordinary circumstances.
- F. The CORC may render its decision through a formal review process or formal meeting, if necessary.
 - 1. The OCGS Director may first process the CORC appeal by formal review via email.

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IX. STEP FOUR - APPEAL TO THE CORC (Cont.)

- a. The OCGS Director shall forward the appeal documents and memo to vote to each CORC member for review and decision.
- b. Within five (5) business days of receipt of the appeal by each member, the member must fill out a voting sheet indicating the member's decision and forward the completed sheet to the OCGS Director.
- c. If all CORC members vote unanimously for a decision, the Director shall forward the CORC decision, memorialized on Form 7106R, "Disposition of the Central Office Review Committee Form" (Attachment G), to the inmate, the facility's Commanding Officer, the OCGS facility office, the BOC, and any other appropriate party within one (1) business day. Within ten (10) business days, the Commanding Officer of the facility shall confirm with the OCGS Director that the resolution of the grievance has been implemented, if necessary.
- d. If the formal review process does not result in a unanimous decision, or if, in the opinion of the OCGS Director, the inmate's appeal requires a formal in-person CORC meeting to resolve the grievance, the Director shall convene the CORC to meet in-person to review the appeal and shall render a decision within ten (10) business days of receipt of the appeal. Within ten (10) business days, the Commanding Officer of the facility shall confirm with the OCGS Director that the resolution of the grievance has been implemented, if necessary.
 - i. CORC decisions stemming from a formal meeting require a majority vote of the committee members. The CORC shall submit a majority decision to the CORC chairperson on Form 7106R. Within one (1) business day, the OCGS Director shall forward the CORC decision to the Grievance staff to share with the inmate, the facility's Commanding Officer, the BOC, and any other appropriate party.
 - ii. The CORC's disposition constitutes the Department's final decision on the inmate's grievance or request.
- e. Any failure to reach a resolution should be reported to the OCGS Director for appropriate action including, if necessary, referring the matter back to the CORC for further action. The Grievance Coordinator shall also forward the decision to the Grievance Coordinator of any facility to which the inmate has been transferred.

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X. OTHER PROVISIONS

A. Grievances Concerning Religious Accommodations

1. Inmates may request to exercise religious beliefs and practices not currently available in the facility through the OCGS. Inmates shall submit such matters using Form 7101R.
2. The facility's Grievance Coordinator shall forward all inmate requests of a religious nature to the administrative chaplain in accordance with Directive 3261, "Access to Religious Programs and Practices." See Directive 3261 for a detailed description of the process for resolving grievances and requests concerning religious accommodation.
3. Pursuant to Directive 3261, minimum standards restrictions to religious services can be appealed to the Board of Correction.

B. Grievances related to Classification, Security Risk Group (SRG), or Watch Group Issues

1. An inmate may only dispute their classification score and/or custody level based on facts and information that is used to score and complete the initial or reclassification assessment. An inmate who wants to dispute their score and/or custody must sign and check the box(es) on either Form 4100A, "Initial Classification Form," or Form 4100B, "60-Day Reclassification Form," indicating that the inmate wants to dispute the classification score and/or custody level and identify the indicators and/or overrides in question. The inmate must forward the form to the facility OCGS office which shall consider and process the form as a grievance. The OCGS office shall write "classification grievance" on Form 7101R and staple Form 4100A or Form 4100B to Form 7101R. OCGS staff shall make photocopies of all forms, sign, date, and time-stamp them, and provide the copies to the inmate as a receipt. The process will then follow the standard procedures outlined in Section V.
2. Pursuant to SRG Operations Order #03/12, an inmate may file a complaint contesting identification as a validated Security Risk Group (SRG) member or Watch Group member through the Inmate Grievance Procedures. The inmate can file the issue by using Form 7101R and submitting a written statement and other materials which the inmate wishes to offer to establish that the inmate is not a member of SRG or Watch Group. The determination will be provided by the Central Intelligence Bureau (CIB) and shared with the Grievance staff.

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XI. PROCEDURAL SAFEGUARDS

A. Staff Reprisals

No reprisals by staff of any kind shall be taken against an inmate for good faith use of the grievance and request program. An inmate may file a grievance alleging that the inmate was subject to reprisal as a result of filing a grievance.

B. Timeframe Extension

1. When the inmate demonstrates a valid reason for delay in submitting a grievance, OCGS staff may grant an extension to the inmate to permit the inmate to file a grievance/request on Form 7101R no more than ten (10) business days from the date the alleged condition or issue relating to their confinement took place or began. Valid reasons for a delay may relate to an inmate's medical condition, transfer to another facility, transfer to punitive segregation, hospital wards, mental observation units, or other special population housing areas where the inmate cannot directly access a grievance box or the OCGS office, and court appearances. OCGS staff shall complete Form 7114R, "Time Limit Extension Form" (Attachment I), to document the extension.
2. OCGS, the Commanding Officer, or the CORC may request timeframe extensions by which they must complete grievance-related tasks but such extensions may only be granted with the written consent of the inmate.
3. Within the (7) Business days, OCGS staff shall contact the inmate to obtain consent by having the inmate sign Form 7114R.
4. The Department's failure to obtain inmate consent for a time frame extension shall not affect the validity of a departmental disposition. If the inmate does not receive a timely disposition at any stage of the OCGS process, the inmate may submit a request for an appeal (to proceed to the next step of the OCGS process) through the use of Form 7102R as appropriate, and consult with OCGS staff for assistance. The inmate may also submit a request for an appeal through the use of Form 7101R, noting that the inmate has not received a timely disposition and wishes to appeal to the next stage of the process. Such an appeal shall be submitted no later than ten (10) business days following the date upon which a response was due from the Department.

C. Excess filing and Misuse of the Grievance Process

1. Misuse of the grievance process includes, but is not limited to, the filing of repetitive grievances addressing the same issue where the required time frames have not elapse or where the final decision has already been rendered;

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XI. PROCEDURAL SAFEGUARDS (Cont.)

2. The filing of an excessive number of frivolous grievances;
3. The filing of duplicative grievances and 311 correspondence referencing the same issue;
4. These grievances will not be considered until all pending grievances have been resolved. Then will be merged with the initial complaint received.

D. Reasonable Accommodations

The Grievance Coordinator shall ensure that inmates with disabilities are provided necessary assistance and shall make reasonable accommodations to facilitate their access to and use of the OCGS. Reasonable accommodations shall include, but are not limited to, meetings with inmates at accessible sites and the provision of qualified translators or sign language interpreters for deaf/hard of hearing and mute inmates who use only sign language to communicate. OCGS staff shall consult with the Inmate Disability Rights Coordinator (see Directive 3802, "Reasonable Accommodation for Inmates with Disabilities," or its successor) regarding any issues concerning the provision of reasonable accommodations for an inmate during their period of detention.

E. Interpreters

If a grievance is submitted that is written in a language other than English or appears to show the inmate has limited use or understanding of English, OCGS staff shall immediately contact and ensure an appropriate interpreter is secured to assist in resolving the grievance for that inmate. If an appropriate interpreter/advisor cannot be immediately located, OCGS staff shall use the services of the Department's Language Service Team. All interpreters shall be instructed by OCGS staff to maintain the confidentiality of grievance submissions. OCGS staff shall also enter all occurrences when the inmate uses an interpreter who is an inmate, staff, or member of the Department's Language Service Team into Service Desk.

F. Conflicts of Interest

1. If the inmate who filed the grievance objects to an inmate participating in its resolution as an inmate grievance clerk, the inmate grievance clerk shall not participate in resolving the grievance.
2. If an inmate objects to the Grievance Coordinator or Grievance Officer because the grievance is in regards to Grievance Staff, the inmate shall mail the grievance

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XI. PROCEDURAL SAFEGUARDS (Cont.)

to the OCGS Program Administrator to conduct a review and reach a determination.

3. Grievance Officers involved in any manner with an inmate grievance must recuse themselves from handling any OCGS or Grievance Resolution Committee duties concerning that matter.
4. When the Grievance Officer cannot participate as a member of a facility's Grievance staff, then the OCGS Director shall select an alternate uniform staff member to act as the Grievance Officer. When the Grievance Coordinator cannot participate as a member of the OCGS, the OCGS Director shall select an alternate staff member to act as the Grievance Coordinator within that respective facility.

G. Confidentiality

OCGS staff shall lock all completed documentation relating to any and all filings by an inmate grievant in cabinets located in a secure and defined OCGS area.

OCGS staff shall not make documents and files available to Department employees who are not assigned to OCGS.

H. Code of Ethics and Duties

All OCGS members and inmate grievance clerks shall receive a copy of Form 7113R, "OCGS Code of Ethics and Duties" (Attachment H), and shall acknowledge receipt of the Form 7113R in writing. The Inmate Grievance Clerk shall also receive a copy of this code if they are necessary to fill the inmate grievance clerk vacancy in the OCGS. The Grievance Coordinator shall maintain the signed form and a copy shall be provided to the signatory.

1. The Code of Ethics and Duties consists of the following principles:
 - a. Members shall not obstruct inmates from exercising their right to file a grievance.
 - b. Members shall demonstrate a willing and tactful attitude in the performance of their duties.
 - c. Members shall not expect or receive preferential treatment because of their participation in the OCGS.

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XI. PROCEDURAL SAFEGUARDS (Cont.)

- d. Members shall not abuse their duties, responsibilities, or assignments.
- e. Members shall be responsible for the safekeeping of grievance files and preventing their unauthorized use.
- f. Members shall not intentionally undermine the OCGS's operations or credibility.
- g. Members of the OCGS shall have a working knowledge of the program and of their responsibilities as members.
- h. Members shall not violate Department rules and regulations.

2. Code of Ethics and Duties Violations

The Grievance Coordinator and Grievance Officer shall monitor the compliance of Inmate Grievance Clerk with Form 7113R. Inmate Grievance Clerks (or acting alternates) who violate Form 7113R may be removed from the OCGS in accordance with due process requirements as set forth in Directive 3377, "Due Process for IGRC Inmate Representatives," or its successor.

- I. The Grievance Coordinator or Grievance Officer shall be exclusively responsible for locking and emptying grievance boxes each business day
- J. OCGS Access to Information
 - 1. Grievance Coordinators and Grievance Officers shall have access to all records and documents within the facility necessary for the resolution of requests or grievances, except where prohibited for confidentiality or security reasons. Should a Commanding Officer determine that the release of specific information poses a threat to the safety or security of the facility, or is confidential, such information may be withheld from Grievance Coordinators and Grievance Officers. Within one (1) business day of receiving a request for documentation from OCGS staff, the Commanding Officer shall submit a memorandum documenting the withholding of such information and the reasons for withholding it to the Director.
- K. Information Collection and Storage

OCGS shall receive, document, and maintain records, including correspondence, investigations, and dispositions regarding all inmate grievances and submissions not subject to the grievance process pursuant to the Department's record retention policy. All documents and information will be scanned and tracked in Service Desk.

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XII. REFERENCES (When a referenced document is superseded, the superseding document shall apply)

- A. Directive 3261, "Access to Religious Programs and Practices," dated 9/10/12.
- B. Directive 3377, "Due Process for IGRC Inmate Representatives," dated 1/23/89.
- C. Directive 3802R-A, "Non-Discrimination of Inmates with Disabilities," dated 11/30/18.
- D. Directive 4014R-A, "Inmate Incentive Pay Plan," dated 4/11/07.
- E. Directive 4100R-D, "Classification," dated 3/10/14 (as amended).
- F. Directive 5000R-A, "Reporting Unusual Incidents," dated 11/19/04 (as amended).
- G. Directive 5011, "Elimination of Sexual Abuse and Sexual Harassment," dated 5/2/16 (as amended).
- H. Operations Order 28/89, "Identification of Hearing Impaired/Deaf Mute Inmates," dated 6/19/89 (as amended).
- I. Operations Order 3/12, "Monitoring and Managing Security Risk Groups and Watch Groups," dated 3/17/12.
- J. Operations Order 10/17, "Awarding Job Assignments within a Command," dated 6/21/17.

XIII. ATTACHMENTS

- A. Form 7100R, "OCGS Categorization of Grievances Form."
 - 1. Form 7100R-A "English Language Version"
 - 2. Form 7100R-B "Spanish Language Version"
 - 3. Form 7100R-C "Arabic Language Version"
 - 4. Form 7100R-D "Bengali Language Version"
 - 5. Form 7100R-E "Chinese Language Version"
 - 6. Form 7100R-F "French Language Version"
 - 7. Form 7100R-G "Haitian Creole Language Version"
 - 8. Form 7100R-H "Korean Language Version"
 - 9. Form 7100R-I "Polish Language Version"
 - 10. Form 7100R-J "Russian Language Version"
 - 11. Form 7100R-H "Urdu Language Version"
- B. Form 7101R, "OCGS Inmate Statement Form."

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1. Form 7101R-A "English Language Version"
2. Form 7101R-B "Spanish Language Version"
3. Form 7101R-C "Arabic Language Version"
4. Form 7101R-D "Bengali Language Version"
5. Form 7101R-E "Chinese Language Version"
6. Form 7101R-F "French Language Version"
7. Form 7101R-G "Haitian Creole Language Version"
8. Form 7101R-H "Korean Language Version"
9. Form 7101R-I "Polish Language Version"
10. Form 7101R-J "Russian Language Version"
11. Form 7100R-H "Urdu Language Version"

C. Form 7102R, "OCGS Disposition Form."

D. Form 7103R, "OCGS Commanding Officer's Disposition Form."

E. Form 7104R, "OCGS Division Chief's Disposition Form."

F. Form 7105R, "Transmittal to Central Office Review Committee Form."

G. Form 7106R, "Central Office Review Committee's Disposition Form."

H. Form 7113R, "OCGS Code of Ethics and Duties Form."

I. Form 7114R, "OCGS Authorization for Time Extension Form."

J. Form 7115R, "OCGS Investigation Form."

K. Form 7116R, "OCGS Preliminary Evidence Based Review Form."

L. Form 7117R "OCGS Return of Grievance Form."

M. Form 7316R, "OCGS Inmate Report of an Alleged Assault/Sexual Abuse/Sexual Harassment or Physical Assault Form."

XIII. SUPERSEDES

- A. Directive 3376, "Inmate Grievance and Request Program," dated 9/10/12 (as amended).
- B. Any other Directive, Operations Order, Teletype, Memorandum, etc., that may be in conflict with the policies and procedures outlined herein.

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XIV. SPECIAL INSTRUCTIONS

All facility managers and supervisors shall ensure strict enforcement of the policy, guidelines and procedures noted herein.